

REMARKS

Claims 1-3 are pending in the application. Claims 1 and 2 have been rejected over the prior art. Claim 3 has been deemed allowable if rewritten in independent form.

Claim 1 has been amended to eliminate the term "starter" as a modifier of "threads," there being no antecedent basis for the term "starter" in claim 1.

Claim 3 has been amended to incorporate the limitations of claim 2 and to thereby put claim 3 in proper independent form. Claim 3 is now believed to be allowable.

Objections to the Drawings

The drawings are objected to for purportedly failing to show every feature of the invention specified in the claims. Specifically, the examiner states that the "tapered threaded sections recited in claims 1-3" are not illustrated in the drawings. Applicant respectfully traverses this objection.

The elements which are described as "tapered" in claim 1 are the bore threads. The elements described as being tapered in claims 2 and 3 are the bore threads and the starter threads. The bore threads are clearly labeled as element 20 in the drawings. The starter threads are clearly labeled as element 14 in the drawings. The bore threads 20 shown in Figures 8-11 are described as being tapered in the paragraph which begins on page 9, line 6. The starter threads illustrated in Figures 8-11 are described as being tapered in the paragraph which begins on page 9, line 16. The threads shown in Figures 8, 9A and 10A are actually drawn with a taper of 0.114 inch per 6 inches. Threads

illustrated in Figure 11 are drawn with a taper of 0.233 inch per 6 inches.

Accordingly, the threads described as being tapered in claims 1-3 are clearly shown in the drawings (and duly described in the specification). Therefore, the objection to the drawings under 37 CFR 1.83(a) is in error and should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komolrochanaporn in view of Higbee. Applicant respectfully traverses these rejections.

The examiner acknowledges that neither Komolrochanaporn and Higbee disclose nor suggest the limitation in each of the claims that the last starter thread has a pitch diameter which is at least 2% greater than the pitch diameter of the first tapered bore thread. It is apparently the examiner's position that the cited references disclose identical pitch diameters and that differences in the size of the pitch diameters would have been obvious to those of ordinary skill in the art. The examiner cites as his points and authorities In Re Rose, 220 F.2d 459, 105 U.S.P.Q. 237 (CCPA 1955). Applicant submits that the examiner has misinterpreted the fundamental holding in In Re Rose.

In Re Rose stands for the basic proposition that merely increasing or decreasing the size of a known item of manufacture will not necessarily make that item of manufacture patentable. The item of manufacture in In Re Rose was a lumber bundle. In Re Rose would be applicable to the present application if the application were merely limited to a slightly larger or slightly smaller pipe fitting than pipe fittings previously known. But

that is not the case. The limitations in the present application have to do with the relative size of the starter threads vis-a-vis the bore threads. Unlike all previously known starter threads, the starter threads of the present application are not of the same size as the bore threads. Instead, they are at least 2% greater in pitch diameter. This is not, therefore, a random increasing or decreasing in the size of the starter threads per se, but a specific difference in the relationship between the starter threads and the bore threads. Accordingly, the general rule of In Re Rose does not apply.

The question of patent law in the present application is whether or not it would have been obvious to those of ordinary skill in the art reading the cited references to have constructed a pipe fitting having starter threads which were at least 2% greater in pitch diameter than the bore threads of the pipe for which the fitting was designed to mate with. Applicant believes the answer is clearly "no." None of the references cited in this application teaches or suggests in any way the use of starter threads which do not precisely match the bore threads for which the fitting was designed to mate with. Nor is there anything suggested in the cited references which would suggest any incentive to use non-matching (i.e., larger) starter threads. Therefore, it is applicant's position that the invention was not obvious to those of ordinary skill in the art at the time the invention was made. Applicant respectfully requests that the rejections of claim 2 under 35 U.S.C. § 103 be withdrawn.


CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

SHELDON & MAK

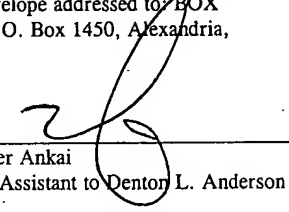
Dated: April 6, 2005

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Signed: April 6, 2005

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